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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

In re CARLOS Z., a Person Coming Under
the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

CARLOS Z.,

Defendant and Appellant.

A126282

(Contra Costa County
Super. Ct. No. J09-01121)

Appellant Carlos Z. appeals from a disposition order declaring him a ward of the court, removing him from his parents' home and placing him on probation at the county ranch for six months. On appeal he challenges only the failure of the juvenile court to calculate his maximum term of confinement at disposition, as required by Welfare and Institutions Code section 726, subdivision (c) (§ 726)(c)). He requests that we correct the disposition order to reflect the appropriate maximum term of confinement. The Attorney General lodges no objection. Accordingly, we so direct the correction.

I. FACTS

In the early afternoon of August 6, 2009, appellant entered the victim's home through a bedroom window and took a play station, a bracelet and a box with silver

dollars. When the victim confronted appellant he pulled out a knife. The victim called the police. Officers apprehended appellant in the home.

The Contra Costa District Attorney filed a petition alleging that appellant committed first degree residential burglary while a nonparticipant was present, and while personally armed with a knife. Appellant admitted the first degree residential burglary and the prosecutor dismissed the two enhancements. The maximum period of confinement was determined to be six years. At the disposition hearing, the court declared appellant a ward with no termination date, removed him from his parents' care and committed him to Orin Allen Youth Rehabilitation Facility for a six-month regular program.

II. DISCUSSION

Section 726(c) provides that when “the minor is removed from the physical custody of his or her parent or guardian as the result of an order of wardship made pursuant to [Welfare and Institutions Code] Section 602, the order shall specify that the minor may not be held in physical confinement for a period in excess of the maximum term of imprisonment which could be imposed upon an adult convicted of the offense or offenses which brought or continued the minor under the jurisdiction of the juvenile court.” Continuing, the statute specifies that the term “ ‘maximum term of imprisonment’ means the longest of the three time periods set forth in paragraph (2) of subdivision (a) of Section 1170 of the Penal Code, but without the need to follow the provisions of subdivision (b) of Section 1170 of the Penal Code or to consider time for good behavior or participation . . . , plus enhancements which must be proven if pled. [¶] . . . [¶] ‘Physical confinement’ means placement in a juvenile hall, ranch, camp, forestry camp or secure juvenile home pursuant to Section 730, or in any institution operated by the Youth Authority.” (§ 726(c).)

Here, appellant was removed from the physical custody of his parents, declared a ward and physically confined at a ranch. Therefore, under the statute, the court was required to specify appellant's maximum term of confinement. It did so at the jurisdictional hearing when appellant admitted the burglary. However, the court did not

reiterate the specification at disposition and the disposition order does not reflect that his maximum period of physical confinement is six years.

III. DISPOSITION

We direct that the disposition order be amended to reflect a maximum period of physical confinement of six years. In all other respects the disposition order is affirmed.

Reardon, J.

We concur:

Ruvolo, P.J.

Rivera, J.